

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER ST. JOHN,

Petitioner,

CASE NO. 08-14524

v.

DEBRA SCUTT,

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Respondent.

ORDER

(1) DENYING PETITIONER'S MOTION
REQUESTING DENIAL OF RESPONDENT'S ANSWER;
(2) DIRECTING THE CLERK OF COURT TO PROVIDE PETITIONER
WITH A COPY OF RESPONDENT'S ANSWER TO THE PETITION

Petitioner Christopher St. John has filed a *pro se* habeas corpus petition pursuant to 28 U.S.C. § 2254. On May 1, 2009, respondent Debra Scutt filed an answer to the petition and urged the Court to deny relief. Pending before the Court is Petitioner's motion to deny Respondent's answer on the ground that Petitioner never received a copy of the answer.

Respondent filed a timely responsive pleading, and although she should have served a copy of her answer on Petitioner, *see* Fed. R. Civ. P. 5(a)(1)(B), Petitioner essentially seeks to have the Court strike Respondent's answer. Such a drastic remedy is not appropriate under the circumstances. The better solution is to provide Petitioner with a copy of Respondent's answer and to give him additional time in which to file a reply. Accordingly, Petitioner's motion [Dkt. #12] is **DENIED**. The Clerk of Court, however, is **ORDERED** to send Petitioner a copy of Respondent's answer, along with a copy of this order. Petitioner shall have **forty-five (45) days** from the date of receipt of Respondent's answer to file a reply to the answer.

SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: January 13, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on January 13, 2010.

S/Denise Goodine
Case Manager